



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

RECEIVED and FILED by the

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

on this date of: 2-5-2010



PAULA T. DOW
Acting Attorney General

SHARON M. JOYCE
Acting Director

January 25, 2010

Mailing Address:

P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

BY CERTIFIED AND REGULAR MAIL

Jerald F. Schreiber, D.V.M.
Farmingdale Veterinary Clinic
11 Walnut Street
Farmingdale, NJ 07727

RE: **I/M/O JERALD F. SCHREIBER, D.V.M.**
Complaint Number: 05-094

Offer of Settlement in Lieu of Disciplinary Proceeding

Dear Dr. Schreiber:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to review information it received concerning your professional conduct following its consideration of a consumer complaint filed by Melissa Carbone. The complaint alleges, among other contentions, that you engaged in negligence, professional misconduct and that you failed to make a proper diagnosis in the care and treatment you rendered to her Shih Tzu puppy, "Jack," in or about October 20, 2005.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed, on or about October 30, 2005, by Melissa Carbone, as well as any and all attachments and exhibits; and
2. A correspondence, received November 18, 2005, from Jerald F. Schreiber, D.V.M., to the Board, as well as any and all attachments and exhibits.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you violated and/or failed to comply with the provisions of the Veterinary Medical Practice Act, and its accompanying regulations which are administered by the Board, in violation of N.J.S.A. 45:1-21(h), in that you failed to keep adequate medical records contrary to N.J.A.C. 13:44-4.9.

Specifically, the Board's review into this matter revealed that Jack was purchased by Ms. Carbone from the Puppy King at Pet Depot on or about October 24, 2005. Records reviewed by the Board indicate that you initially examined the dog, while he was owned by the pet store, on or about October 20, 2005. Other than a finding of cryptorchidism, you found Jack to be healthy. Shortly after his purchase, Jack was examined by a second veterinarian, on October 27, 2005, who diagnosed the dog with left side pneumonia and issued a Certificate of Unfitness to Ms. Carbone.

The Board has concluded, following its review of the complaint and the other submitted documentation, that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary care rendered to Jack. However, the Board, in its review of the matter, had the opportunity to review the patient records you submitted in this matter. The Board has concluded that you violated its patient record regulation by failing to create and maintain medical records for Jack, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a).

Specifically, N.J.A.C. 13:44-4.9 requires veterinarians to maintain a separate patient record for each animal, herd or flock. Additionally, the regulation mandates that all patient records accurately reflect the treatment or services rendered by the licensee. The Board finds that the creation of medical records is required for all patients regardless of the location where a veterinarian treats his patients. A review of the records you created and maintained for Jack failed to contain important and required information relative to the veterinary services provided to the animal. Specifically, the records did not contain: 1) All pertinent symptoms and signs observed, namely, the results of your physical examination, including but not limited to, temperature, disposition, lung sounds, etc.; 2) Conclusions and/or diagnosis; and 3) such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response. The Board has concluded that your failure to include the requisite information in your patient record constitutes a violation of N.J.A.C. 13:44-4.9.

At this juncture, the Board has determined that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Moreover, the Board noted that previous disciplinary action, in or about 2003, had been initiated against you for your failure to comply with its record keeping regulation. As authorized by N.J.S.A. 45:1-25, subsequent violations of this regulation may subject you to enhanced penalties. Notwithstanding the Board's finding that the initiation of formal disciplinary action is warranted, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

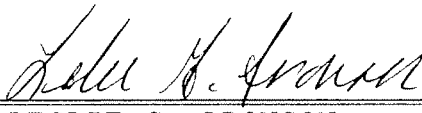
1. Cease and desist from further violations of the patient record rule, namely N.J.A.C. 13:44-4.9(a); and
2. Pay a penalty in the amount of **\$3,000.00**, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and the record keeping regulation, N.J.A.C. 13:44-4.9(a).

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

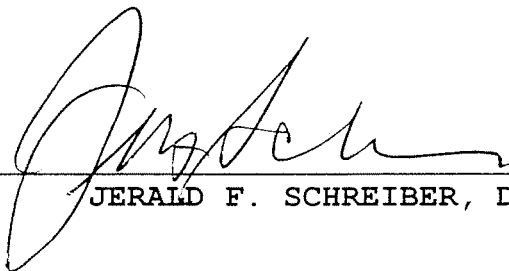
In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate disciplinary action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

By: 
LESLIE G. ARONSON
Executive Director

ACKNOWLEDGMENT: I, **JERALD F. SCHREIBER, D.V.M.**, hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the total amount of **\$3,000.00**. I also agree to adhere to the other provisions enumerated in this settlement letter.


JERALD F. SCHREIBER, D.V.M.

DATED:

cc: Olga E. Bradford, Deputy Attorney General